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Legal Services

Honorable Colleen Kollar-Kotelly
U.S. District Court, District of Columbia
c/o Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW, Suite 1200
Washington, DC 20530-0001

RE: U.S. v Microsoft

Dear Judge Kollar-Kotelly,

The proposed settlement between Microsoft and the Department of Justice seems inadequate in resolving Microsoft's monopoly of the market. The settlement may serve to promote further monopolies for Microsoft in web services and other related products.

This settlement does not sufficiently protect competitors against predatory pricing and does not protect consumer choice. The unanimous ruling by the Court of Appeals for the District of Columbia against Microsoft should warrant a strong remedy and this settlement does not meet those standards. Microsoft's violation of federal antitrust is no longer an issue. It is time that they are held accountable for their questionable practices.

It is time that we find a remedy that meets the appellate court's standard to "terminate the monopoly, deny Microsoft the fruits of its past statutory violations, and prevent any future anticompetitive activity." This proposed settlement fails to do so.

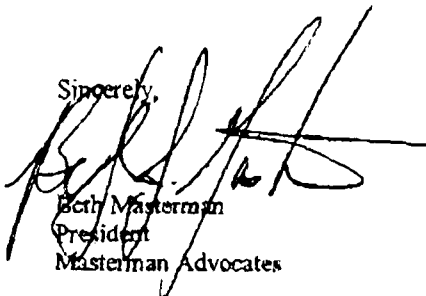
The settlement says that Microsoft "shall not enter into any agreement" to pay a software vendor not to develop or distribute software that would compete with Microsoft's products. However another provision permits those payments and deals when they are "reasonably necessary." The ultimate arbiter of when these deals would be "reasonably necessary?" Microsoft.

The settlement does not go far enough to provide greater consumer choice, and leaves Microsoft in a position that it can continue to charge whatever it wants for its products. Consumers should be protected from these types of practices.

Enforcing federal antitrust laws is vital to maintaining the integrity of free markets. It is important that we continue to enforce them to protect the welfare of consumers and the fundamentals that contribute to what makes our country's industries great.

I appreciate you taking your time to examine this important matter.

Sincerely,



1.28.02

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Commonwealth of Massachusetts

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